



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2107752
Applicant Name: Vicki Somppi
Address of Proposal: 424 35th Avenue South

SUMMARY OF PROPOSED ACTIONS

Master Use Permit for future construction of a single family dwelling.

The following approvals are required:

Variance – to allow access through a required yard abutting a street.
SMC Section 23.44.016A2
Variance - to exceed the maximum curbcut width in a single family zone.
SMC Section 23.54.030F1

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The property is located one block upland from Lake Washington and approximately .5 miles north of the I-90 Bridge. It is a midblock property, with frontage of about 40 feet in width along the street and about 60 feet in depth along the alley to the side of the property. The total lot area is approximately 2400 square feet. The underlying zoning is SF5000. The site is vacant. Between the alley and the north lot line is a stepped concrete masonry unit (CMU) wall, which is approximately 30" high. Vegetation on the lot has been cleared except at the perimeter; the interior has been filled and leveled with fill-dirt, gravel and construction debris. One segment of the alley spans the length of the north lot-line; the alley then turns approximately 90 degrees north, to terminate at South Jackson Street.

The site is located in a mapped Environmental Critical Area – potential slide. The surrounding neighborhood is comprised primarily of single family residences developed on SF-zoned lots. The neighborhood is negatively impacted by prohibited parking and speeding traffic. Both sides of 35th Avenue South are posted "No-Parking"; instead, drivers illegally parallel park on the sidewalks, leaving no path for pedestrians. On the east side of the street and to the north of the subject property, residences are located in the required front yards, near the front lot lines, and have access to the alley. The residences on the west side of the street are set further back and feature terraced garages and retaining walls in the required front yards. These properties have no alley access.

Proposal

- The project is new construction of a single family dwelling with the parking access and garage entrance proposed to face 35th Avenue South. While the Land Use Zoning Code directs required parking access to be taken from alleys, the proposal suggests access from the alley is not feasible.
- Using the front yard averaging method, the structure can be situated 15'-0" from the front lot line. This shortened distance has an impact on vehicle maneuvering ability; therefore, a more generous curbcut width is requested.

Public Comment

The public comment period was noticed to end on July 23, 2003; a request was received in writing, and the period was extended until August 20, 2003. Eleven comments were received by email and US mail.

ANALYSIS - VARIANCE

Zoning review for this project is limited only to that which the applicant seeks a variance for. Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. **Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.**

The site is substandard in size, as are the four lots to the north of the subject property. The site slopes from the northwest corner to the southwest corner, but not as steeply as the topography of the four lots to the north. The site presents no unusual conditions which deprive the property of rights or privileges. The adjacent alley has two segments; the north-south segment is 13' wide, the east-west segment is 10' wide. Both alleys provide access for the lots north of the subject lot, on the east side of 35th Avenue South, and the west side of Lakeview Avenue South, and meet the definition of an "improved alley" per SMC 23.53.030C. Per SMC 23.53.030D, alleys in SF zones have no minimum width. The alleys present no unusual conditions which deprive the property of rights or privileges.

2. **The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and**

35th Avenue South is a collector arterial and for this portion there is no street parking. The result is speeding traffic and sidewalks blocked by parked vehicles. The neighboring residences on the west side of the street have no alley to provide access; therefore their established parking access is from the street. The residences on the east side of the street, south of the subject property, also have no alley. While the character of the neighborhood may appear to support access from the street, this is actually the result of these lots not having an alley. The subject property and the properties to the north have use of the alleys; allowing access from the street for the subject property would constitute a grant of special privilege.

3. **The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;**

The character of the neighborhood is frequent curbcuts and driveways. While the Land Use code generally does not permit parking in the required front yard and other

ordinances prohibit parking on sidewalks, this is frequently observed in the neighborhood. By allowing parking access through a front yard abutting a street and a 17' wide curbcut on 35th Avenue South, the potential for increased vehicles parked in the required front yard and sidewalk is likely, contributing to an already precarious pedestrian environment. This street is a collector arterial. Per SMC 23.54.0030D1b1, vehicles may not back out onto an arterial. The granting of the variance would be materially detrimental to the public welfare by introducing more vehicles backing out onto a collector arterial. Per SMC 23.54.030D1b3, based upon a safety analysis, the Director may waive the requirements in SMC 23.54.030D1b1 and 23.54.030D1b2. If, however, the safety analysis does not merit the waiver, another variance would be necessary to allow vehicles to back out onto a collector arterial.

4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and

The literal and strict application of the code does not cause undue hardship or practical difficulties; the subject property is no more restricted than the properties to the north; which are the same size, and have alley access. The configuration of this lot and the alley actually offers better and more direct access opportunities than that of the other properties.

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

The purpose of the Land Use code is to protect and promote public health, safety, and the general welfare through regulations and procedures for the use of land which conforms to the City's land use policies. These regulations are designed to ensure that new development in single family zone is compatible with neighborhood character. To allow a generous 17 foot wide curbut and access to the parking through the required front yard and would have adverse impacts on a neighborhood that is struggling with existing vehicular impacts. The proposed variances are not favored by the spirit and purpose of the Land Use Code and might be considered to set an undesirable precedent in the neighborhood.

Specifically, Policies L85 and L86 of Seattle's Comprehensive Plan mentions that the regulations for which variance is sought are intended to reduce the impact created on the streetscape by the location of vehicles and curbcuts. They are also intended to maintain an attractive street level environment of landscaped front yards, and to facilitate traffic flow. Alley access to accessory parking is generally required when a surfaced alley is accessible to the rear yard and not prevented by topography.

DECISION – VARIANCES

The requested variances are **DENIED**.

Signature: (signature on file) Date: November 24, 2003
Lauren Hirt, Land Use Planner
Department of Planning and Development
Land Use Services

LH:bg

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